

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

SUSAN KIRSCHNER, ET AL. §  
§  
v. § CIVIL CASE NO. 4:21-CV-469  
§  
TEXAS DEPARTMENT OF FAMILY §  
AND PROTECTIVE SERVICES, ET §  
AL. §

**MEMORANDUM ADOPTING REPORT AND**  
**RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge (“Report”), this matter having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On July 21, 2022, the Report of the Magistrate Judge, (Dkt. #23), was signed containing proposed findings of fact and recommendations that Linda Risinger’s Motion to Dismiss, (Dkt. #8), and Timothy Alexander’s Motion to Dismiss, (Dkt. #9), each be granted in part and denied in part; Plaintiffs Susan Kirschner and Minor Child A.K.’s Motion for Leave to Amend Complaint, (Dkt. #20), be denied; supplemental jurisdiction be declined as to Kirschner’s state law claims against Risinger and Alexander; and unserved Defendant Texas Department of Family and Protective Services be *sua sponte* dismissed for lack of subject-matter jurisdiction. Having assessed the Report, and no objections thereto having been timely filed, the Court determines that the Magistrate Judge’s Report should be adopted.

It is therefore **ORDERED** that Linda Risinger’s Motion to Dismiss, (Dkt. #8), and Timothy Alexander’s Motion to Dismiss, (Dkt. #9), are each **GRANTED** in part

and **DENIED** in part. Plaintiffs' § 1983 claims against Risinger and Alexander are **DISMISSED WITH PREJUDICE**. Plaintiffs' claims against Texas Department of Family and Protective Services are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction. Plaintiffs' state law claims are **DISMISSED WITHOUT PREJUDICE**.

It is further **ORDERED** that Plaintiffs' Motion for Leave to Amend Complaint, (Dkt. #20), is **DENIED**.

**So ORDERED and SIGNED this 26th day of September, 2022.**



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SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE